

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )  
HAWAII ELECTRIC LIGHT COMPANY, INC. )  
For Approval of Power Purchase Contract )  
with Hawi Renewable Development, LLC )  
and Approval to Commit Funds in Excess of )  
\$500,000 for HELCO-Owned Interconnection )  
Facilities )  
\_\_\_\_\_ )

Docket No. 04-0016

STIPULATED PROCEDURAL ORDER NO. 20850

Filed March 16, 2004

At 2:30 o'clock P.M.

Karen Sigel.

Chief Clerk of the Commission

DEPT. OF COMMERCE, AGRICULTURE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

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OF THE STATE OF HAWAII

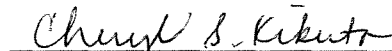
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_____	)	

STIPULATED PROCEDURAL ORDER

Applicant Hawaii Electric Light Company, Inc. ("HELCO") and the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the "Consumer Advocate") hereby stipulate that the attached Stipulated Procedural Order is mutually acceptable to each respective party.

DATED: Honolulu, Hawaii, March 4, 2004.

  
\_\_\_\_\_  
WILLIAM A. BONNET  
Vice President  
Hawaii Electric Light Company, Inc.

  
\_\_\_\_\_  
CHERYL S. KIKUTA  
Division of Consumer Advocacy  
Department of Commerce and Consumer Affairs

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_____	)	

STIPULATED PROCEDURAL ORDER

On January 20, 2004, Hawaii Electric Light Company, Inc. ("HELCO") filed an application for approval of the Power Purchase Contract ("PPA") with Hawi Renewable Development, LLC ("HRD") dated December 30, 2003 and approval to commit funds in excess of \$500,000 for HELCO-owned interconnection facilities. HELCO served copies of the application on the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs (the "Consumer Advocate" or "CA").

By Order No. 20790, filed February 2, 2004, the Commission directed HELCO and the Consumer Advocate to submit a stipulated procedural order for submission to the Commission for approval by March 3, 2004 (thirty days from the date of Order No. 20790).

By letter dated March 3, 2004, HELCO and the Consumer Advocate requested an extension until March 5, 2004 to submit a stipulated procedural order.

HELCO and the Consumer Advocate have reached agreement on procedural matters and submit this Stipulated Procedural Order to the Commission, which is acceptable to the parties.

ACCORDINGLY, IT IS ORDERED that the following Statement of Issues, Schedule of Proceedings, and procedures shall be utilized in this docket.

I.

STATEMENT OF THE ISSUES

The issue in this docket is:

1. Whether the PPA between HELCO and HRD dated December 30, 2003 should be approved? This issue includes the following subissues:
  - a. Whether HELCO should be allowed to include the purchase energy costs (and related revenue taxes) that HELCO incurs under the PPA in HELCO's Energy Cost Adjustment Clause?
  - b. Whether the energy charges to be paid by HELCO pursuant to the PPA are just and reasonable?
  - c. Whether HELCO's purchased power arrangements under the PPA, pursuant to which HELCO will purchase energy from HRD, are reasonable and in the public interest?
  - d. Whether HELCO's proposed commitment of funds for the HELCO-owned interconnection facilities in accordance with Paragraph 2.3.g.2 of General Order No. 7 should be approved?

II.

SCHEDULE OF PROCEEDINGS

HELCO Application for approval of PPA  
with HRD

January 20, 2004

CA Information Requests ("IRs") to HELCO <sup>1</sup>	March 17, 2004
HELCO Responses to CA IRs <sup>1</sup>	April 1, 2004
CA Statement of Position ("SOP")	April 22, 2004
HELCO IRs, if necessary*	April 30, 2004
CA IR responses*, if HELCO IRs filed	May 14, 2004
HELCO Reply SOP*	May 21, 2004

\* If the CA objects to approval of the application, or requests that approval be subject to conditions.

If there are substantial disagreements following the filing of SOP's, and the parties cannot resolve the differences by stipulation and the parties do not waive the right to a hearing, the parties shall propose a hearing schedule (including the filing of simultaneous post-hearing briefs) for Commission approval.

If HELCO determines that IRs to the CA are unnecessary, and/or a HELCO Reply SOP is unnecessary, HELCO and the CA will notify the Commission that the proceeding is ready for decision-making.

The parties acknowledge that under Section 2.3.g.2 of the Commission's General Order No. 7, the Commission's 90-day period to act upon HELCO's request for approval to commit funds for HELCO-owned interconnection facilities and to render a Decision and Order expires on April 19, 2004. Given the schedule agreed to by the parties, HELCO requests and the Commission approves an extension of the 90-day period for the Commission to act upon such request until 20 days after HELCO provides notice that the proceeding is ready for decision-

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<sup>1</sup> Whenever possible, parties will provide copy of documents on diskette upon request.

making (and HELCO does not file a Reply SOP) or 30 days after HELCO files its Reply SOP.

If the parties propose a hearing schedule (because there are substantial disagreements following the filing of SOP's, and the parties cannot resolve the differences by stipulation and the parties do not waive the right to a hearing), HELCO requests and the Commission approves an extension of the 90-day period for the Commission to act upon HELCO's request for approval to commit funds for HELCO-owned interconnection facilities until 45 days after the submittal of post-hearing briefs.

### III.

#### MISCELLANEOUS MATTERS TO FACILITATE AND EXPEDITE THE ORDERLY CONDUCT OF THESE PROCEEDINGS

##### A. Requests for Information

To the extent practical, HELCO and the Consumer Advocate will cooperate (1) by exchanging information requests and responses as they become available, and (2) by resolving questions regarding information requests and responses informally to attempt to work out problems with respect to understanding the scope or meaning of information requests, or with respect to the availability of information. If a party is unable to provide the information requested within the prescribed time period, it should so indicate to the inquiring party as soon as possible. The parties shall then endeavor to agree upon a later date for submission of the requested information.

In lieu of responses to information requests that would require the reproduction of voluminous documents or materials, the documents or materials may be made available for reasonable inspection and copying at a mutually agreeable designated location and time. In the

event such information is available on computer diskette or other readily usable electronic medium, the party responding to the information request may make the diskette or such electronic medium available to the other party and the Commission.

A party shall not be required, in a response to an information request, to provide data that are already on file with the Commission or otherwise part of the public record, or that may be stipulated to pursuant to Part B, infra. The responding party shall, in lieu of production of a document in the public record, include in its response to the information request a description of the document with reasonable specificity sufficient to enable the requesting party to locate and copy the document. In addition, a party shall not be required, in a response to an information request, to make computations, compute ratios, reclassify, trend, calculate, or otherwise rework data contained in its files or records.

A party may object to responding to an information request that it deems to be irrelevant, immaterial, unduly burdensome, onerous or repetitious, or calls for the production or provision of data, documents or other information that is privileged or subject to protection. If a party claims that data, documents or other information requested is privileged or subject to protection (“confidential information”) and withholds production of all or a portion of such confidential information, the party shall: (1) provide information reasonably sufficient to identify the confidential information withheld from the response, without disclosing privileged and/or protected information; (2) state the basis for withholding the confidential information (including, but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the party if the information were disclosed); and (3) state whether the party is willing to provide the confidential information pursuant to a

protective order governing this docket.

A party seeking production of documents notwithstanding a party's claim of confidentiality, may file a motion to compel production with the Commission.

B. Matters of Public Record

In order to provide a means to reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that HELCO has filed with the Commission, published decisions of this or other Commissions, published scientific or economic statistical data, material and textbooks, technical or industry journals relating to electric utility matters, and specified parts of the record in previous Commission dockets shall be admissible in this proceeding without the necessity of reproducing each document; provided that the document to be admitted is clearly identified by reference to the place of publication, file or docket number, and the identified document is available for inspection by the Commission and the parties; and further provided that any party has the right to explain, qualify or conduct examination with respect to the identified document. The Commission can rule on whether the identified document can be admitted into evidence when a party proffers such document for admission as evidence in this case.

From time to time, the parties may enter into stipulations that such documents, or any portion of such documents, may be introduced into evidence in this case.

C. Copies of Filings and Information Requests

1. Filings:

Commission	Original + 8 copies
HELCO	2 copies
Consumer Advocate	2 copies



2. Information Requests and Responses:

Commission	Original + 8 copies
HELCO	2 copies
Consumer Advocate	2 copies

3. All pleadings, and other documents required to be filed with the Commission shall be filed at the office of the Commission in Honolulu within the time limit prescribed pursuant to Chapter 61, subchapter 2, section 6-61-15 of the Commission's Rules of Practice and Procedure.

4. Copies of all filings, information requests and information request responses should be sent to the other parties by hand delivery or via facsimile. In addition, if available, all parties shall provide copies of their filings, information requests and information request responses to the other parties via diskette or e-mail in a standard electronic format that is readily available by the parties. The parties agree to use Word 97 or Word 2000 as the standard programming format for filings in this case. However, if workpapers, documentation, or exhibits attached to any filing are not readily available in an electronic format, a party shall not be required to convert such workpapers, documentation, or exhibits into an electronic format. Also, existing documents produced in response to requests need not be converted to Word 97/Word 2000 as long as the applicable format is identified. In the event a copy of a filing, information request or information request response is delivered to a party via diskette or e-mail, unless otherwise agreed to by such party, the same number of copies of such filing, information request or information request response must still be delivered to such party by hand delivery or via facsimile as provided in Parts C.1 and C.2 above.

D. Communications

Chapter 61, subchapter 3, section 6-61-29 of the Commission's Rules of Practice and Procedure concerning ex parte communications is applicable to any communications between a party and the Commission. However, the parties may communicate with Commission counsel on matters of practice and procedure through their own counsel or designated representatives.

Communications between the parties should either be through counsel or through designated representatives. All pleadings, papers, and other documents filed in this proceeding shall be served on the opposing party. All motions, supporting memoranda, and the like shall also be served on opposing counsel.

E. General

These procedures are consistent with the orderly conduct of this docket.

Pursuant to Chapter 61, subchapter 3, section 6-61-37 of the Commission's Rules of Practice and Procedure, this Stipulated Procedural Order shall control the subsequent courses of the proceedings, unless modified at or prior to the hearings to prevent manifest injustice.

DONE at Honolulu, Hawaii, this 16th day of March, 2004.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By Carlito P. Caliboso  
Carlito P. Caliboso, Chairman

By Wayne H. Kimura  
Wayne H. Kimura, Commissioner

By Janet E. Kawelo  
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

Michael Azama  
Michael Azama  
Commission Counsel

CERTIFICATE OF SERVICE

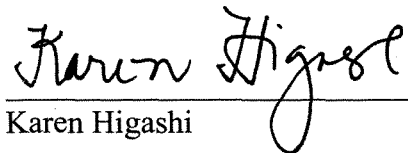
I hereby certify that I have this date served a copy of the foregoing Stipulated Procedural Order No. 20850 upon the following parties and participant, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party or participant.

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
335 Merchant Street, Room 326  
Honolulu, Hawaii 96813

WARREN H.W. LEE  
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Karen Higashi

DATED: March 16, 2004